

01-26-01

PTO/SB/05 (08/00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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JC960 U.S. PTO

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

061607-1400

First Inventor

William L. Betts

Title

Embedded Signal Constellations

Express Mail Label No.

EL492180275US

**APPLICATION ELEMENTS**

See MPEP Chapter 600 concerning utility patent application contents

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231☐ APPLICANT REQUESTS EARLY PUBLICATION UNDER 37 CFR 1.219 (additional fee)1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)2. ☐ Applicant claims small entity status.3. ☒ Specification [Total Pages **32**]  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed. Sponsored R&D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets **11**]5. Oath or Declaration [Total Pages **2**]a. ☒ Newly Executed (original or copy)b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b).6. ☒ Application Data Sheet. See 37 CFR 1.76Assignee  
Name and Address  
(if applicable)Paradyne Corporation  
P.O. Box 2826, 8545 126th Avenue, North  
Largo, Florida 337737. ☐ CD-ROM or CD-R in duplicate, large table or Computer  
Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)a. ☐ Computer Readable Copy (CRF)

b. Specification Sequence Listing on:

- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper

c. ☐ Statements verifying identity of above copies**ACCOMPANYING APPLICATION PARTS**9. ☒ Assignment Papers (cover sheet & Documents(s))10. ☐ 37 CFR 3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney11. ☐ English Translation Document (if applicable)12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations13. ☐ Preliminary Amendment14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)16. ☒ Request and Certification under 35 U.S.C.  
122(b)(2)(B)(i). Applicant must attach form  
PTO/SB/35 or its equivalent.17. ☐ Other:18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation☐ Divisional☐ Continuation-in-part (CIP)

of prior application No: /

Prior application information: Examiner

Group / Art Unit:

For CONTINUATION OR DIVISIONAL APPS only the entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

**18. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label

24504

(Insert Customer No. or Attach bar code label  
here)

Correspondence address below

NAME

Scott A. Horstemeyer  
Thomas, Kayden, Horstemeyer & Risley, L.L.P.

ADDRESS

100 Galleria Parkway  
Suite 1750

CITY

Atlanta

STATE

Georgia

ZIP CODE

30339-5948

COUNTRY

U.S.A.

TELEPHONE

770-933-9500

FAX

770-951-0931

Name (Print/Type)

Michael J. Tempel

Registration No. (Attorney/Agent)

41,344

Signature

01/25/01

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL**  
**for FY 2000**

Patent fees are subject to annual revision.

**Complete If Known**

|                      |                  |
|----------------------|------------------|
| Application Number   | To Be Assigned   |
| Filing Date          | January 26, 2001 |
| First Named Inventor | William L. Betts |
| Examiner Name        | To Be Assigned   |
| Group / Art Unit     | To Be Assigned   |
| Attorney Docket No.  | 061607-1400      |

TOTAL AMOUNT OF PAYMENT (\$)**974.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge to the following Deposit Account,

Deposit Account Number

16-0255

Deposit Account Name

Paradyne Corporation's

- ☒ Charge all indicated fees and any additional fee required or credit any overpayment.
- ☒ Charge any additional fee required and requested to credit any overpayment.

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:**

☐

Check

☐

Money Order

☐

Credit Card

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Fee Code      | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid       |
|---------------------|-----------------|----------------|-----------------|------------------------|----------------|
| 101                 | 710             | 201            | 355             | Utility filing fee     | \$710          |
| 106                 | 320             | 206            | 160             | Design filing fee      | \$             |
| 107                 | 490             | 207            | 245             | Plant filing fee       | \$             |
| 108                 | 710             | 208            | 355             | Reissue filing fee     | \$             |
| 114                 | 150             | 214            | 75              | Provisional filing fee | \$             |
| <b>SUBTOTAL (1)</b> |                 |                |                 |                        | <b>(\$710)</b> |

**2. EXTRA CLAIM FEES**

| Total Claims       |         | Extra Claims | Fee from below | Fee Paid |
|--------------------|---------|--------------|----------------|----------|
| 28                 | -20** = | 8            | 18.00          | 144      |
| Independent Claims | 4       | -3** =       | 1              | 80       |
| Multiple Dependent |         |              | 270.00         |          |

\*\*or number previously paid, if greater; For Reissue, see below

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   |
|----------------|-----------------|----------------|-----------------|---|
| 103            | 18              | 203            | 9               | Claims in excess of 20                                    |
| 102            | 80              | 202            | 40              | Independent Claims in excess of 3                         |
| 104            | 270             | 204            | 135             | Multiple dependent claims in excess of 3                  |
| 109            | 80              | 209            | 40              | **Reissue independent claims over original patent         |
| 110            | 18              | 210            | 9               | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$934)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 105            | 130             | 205            | 65              | Surcharge - late filing fee   |          |
| 127            | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet.                   |          |
| 139            | 130             | 139            | 130             | Non-English specification   |          |
| 147            | 2,520           | 147            | 2,520           | For filing a request for reexamination                                    |          |
| 112            | 920*            | 112            | 920*            | Requesting publication of SIR prior to Examiner action                    |          |
| 113            | 1,840*          | 113            | 1,840*          | Requesting publication of SIR after Examiner action                       |          |
| 115            | 110             | 215            | 55              | Extension for reply within first month                                    |          |
| 116            | 390             | 216            | 195             | Extension of time within second month                                     |          |
| 117            | 890             | 217            | 445             | Extension of time within third month                                      |          |
| 118            | 1,390           | 218            | 695             | Extension of time within fourth month                                     |          |
| 128            | 1,890           | 228            | 945             | Extension of time within fifth month                                      |          |
| 119            | 310             | 219            | 155             | Notice of Appeal  |          |
| 120            | 310             | 220            | 155             | Filing a brief in support of an appeal                                    |          |
| 121            | 270             | 221            | 135             | Request for oral hearing  |          |
| 138            | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                             |          |
| 140            | 110             | 240            | 55              | Petition to revive - unavoidable  |          |
| 141            | 1,240           | 241            | 620             | Petition to revive - unintentional  |          |
| 142            | 1,240           | 242            | 620             | Utility issue fee (or reissue)  |          |
| 143            | 440             | 243            | 220             | Design issue fee  |          |
| 144            | 600             | 244            | 300             | Plant issue fee   |          |
| 122            | 130             | 122            | 130             | Petitions to the Commissioner   |          |
| 123            | 50              | 123            | 50              | Petitions related to provisional applications                             |          |
| 126            | 180             | 126            | 180             | Submission of Information Disclosure Stmt.                                |          |
| 581            | 40              | 581            | 40              | Recording each patent assignment per property (time number of properties) | 40       |
| 146            | 710             | 246            | 355             | Filing a submission after final rejection (37 CFR 1.129(a))               |          |
| 149            | 710             | 249            | 355             | For each additional invention to be examined (37 CFR 1.129(b))            |          |
| 179            | 710             | 279            | 355             | Request for Continued Examination (RCE)                                   |          |
| 169            | 900             | 169            | 900             | Request for expedited examination of a design application                 |          |

Other fee (specify)

Publication Fee \$300.00

Other fee (specify)

Early Publication Fee \$130.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)****40****SUBMITTED BY**

Typed or Printed Name

Michael J. Tempel

Signature

Date

01/25/01

Complete (if applicable)

Reg Number

41,344

Deposit Account User ID

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |                                       |
|----------------------|---------------------------------------|
| First Named Inventor | William L. Betts                      |
| Title                | <b>Embedded Signal Constellations</b> |
| Attorney Docket No.  | 061607-1400                           |

JP929 U.S. PTO  
09/27/99  
01/25/01

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

01/25/01

Date

*Michael J. Tempel*

Signature

**Michael J. Tempel**

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: William L. Betts

For: Embedded Signal Constellations



**CERTIFICATE OF EXPRESS MAIL**

Assistant Commissioner for Patents  
BOX: Patent Application  
Washington, D.C. 20231

Sir:

Enclosed for filing in the above case are the following documents:

- Return Postcard
- Utility Patent Application Transmittal Page
- Fee Transmittal Page
- Utility Patent Application Consisting Of:
  - 25 Pages of Specification
  - 6 Pages of Claims
  - 1 Pages of Abstract
  - 11 Pages of Formal Drawings
- Assignment of Utility Patent Application
- Assignment Cover Sheet
- Declaration for Patent Application
- Request and Certification Under 35 U.S.C. 122(b)(2)(B)(I)
- Data Application Data Entry Form
- Authorization to charge Paradyne's deposit account in the amount of \$974.00 for Application and Assignment recording fees.

Further, the Commissioner is authorized to charge Deposit Account No. 16-0255 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 16-0255.

Respectfully submitted,

**Michael J. Tempel, Reg. No. 41,344**

A handwritten signature in black ink, appearing to read "M. J. Tempel", written over a horizontal line.

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

100 Galleria Parkway, N.W.  
Suite 1750  
Atlanta, Georgia 30339-5948

Our Docket No: **61607-1400**

Our Docket No: 61607-1400

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I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service **"EXPRESS MAIL POST OFFICE TO ADDRESSEE"** service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EL492180275US**.

Date:

*January 25, 2001*

*Gloria L. Knox*  
Gloria L. Knox